

REDACTED

JMM:BTR
F.#2011R01004
NYNYE562

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U.S. DISTRICT COURT E.D.N.Y.

★ JAN 29 2013 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

LONG ISLAND OFFICE

- - - - -X

UNITED STATES OF AMERICA

S U P E R S E D I N G
I N D I C T M E N T

- against -

ATHANASIOS MICHAELIDES,
also known as "Sacci," "Saci"
and "Saki,"

MARTIN LOVLY,
PABLO JOSE BURGOS, also known as
"GiGi,"

[REDACTED]
DENNIS MITTS,

[REDACTED] and
ADAM VALASQUEZ,

Defendants.

Cr. No. 11-639 (S-4) (JFB)
(T. 18, U.S.C., §§
894(a)(1), 922(g)(1),
924(a)(2),
924(c)(1)(A)(ii),
924(d), 981(a)(1)(C),
982(a)(1), 982(b)(1),
1951(a), 1956(h), 2314,
2 and 3551 et seq.;
T. 21, U.S.C., §§
841(b)(1)(A)(ii)(II),
841(b)(1)(C), 846,
853(a) and 853(p);
T. 28, U.S.C., § 2461(c))

- - - - -X

THE GRAND JURY CHARGES:

COUNT ONE
(Hobbs Act Robbery Conspiracy)

1. In or about and between April 2008 and April 2010,
both dates being approximate and inclusive, within the Eastern
District of New York and elsewhere, the defendants ATHANASIOS
MICHAELIDES, also known as "Sacci," "Saci" and "Saki," PABLO JOSE
BURGOS, also known as "GiGi," [REDACTED] MARTIN LOVLY,
DENNIS MITTS, [REDACTED]
[REDACTED] and ADAM VALASQUEZ, together with
others, did knowingly and intentionally conspire to obstruct,

delay and affect commerce, and the movement of articles and commodities in commerce, by robbery, to wit: the robbery of illegal narcotics traffickers and business owners in Kings County, Queens County, Bronx County, Nassau County and Suffolk County, New York.

(Title 18, United States Code, Sections 1951(a) and 3551 et seq.)

COUNT TWO

(Conspiracy to Distribute Controlled Substances)

2. On or about and between April 1, 2005 and October 26, 2011, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant ATHANASIOS MICHAELIDES, also known as "Sacci," "Saci" and "Saki," together with others, did knowingly and intentionally conspire to distribute and possess with intent to distribute one or more controlled substances, which offense involved (a) 50 kilograms or more of a substance containing marijuana, a Schedule I controlled substance, and (b) five kilograms or more of a substance containing cocaine, a Schedule II controlled substance, contrary to Title 21, United States Code, Section 841(a)(1).

(Title 21, United States Code, Sections 846, 841(b)(1)(A)(ii)(II) and 841(b)(1)(C); Title 18, United States Code, Sections 3551 et seq.)

COUNT THREE

(Extortionate Collection of Credit Conspiracy)

3. On or about and between April 1, 2005 and September 29, 2011, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant ATHANASIOS MICHAELIDES, also known as "Sacci," "Saci" and "Saki," together with others, did knowingly and intentionally conspire to use extortionate means to collect and attempt to collect one or more extensions of credit.

(Title 18, United States Code, Sections 894(a)(1), 2 and 3551 et seq.)

COUNT FOUR

(Interstate Transportation of Stolen Property)

4. On or about and between December 20, 2008 and December 22, 2008, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants ATHANASIOS MICHAELIDES, also known as "Sacci," "Saci" and "Saki," and MARTIN LOVLY, together with others, did knowingly and intentionally transport, transmit and transfer in interstate commerce goods, wares and merchandise, of a value of \$5,000 or more, to wit: clothing worth more than \$186,000, knowing the same to have been stolen.

(Title 18, United States Code, Sections 2314, 2 and 3551 et seq.)

COUNT FIVE
(Hobbs Act Robbery)

5. On or about December 26, 2008, within the Eastern District of New York, the defendant MARTIN LOVLY, together with others, did knowingly and intentionally obstruct, delay and affect commerce, and the movement of articles and commodities in commerce, by robbery, to wit: the robbery of Jane Doe No. 1, the owner of a perfume business in Queens County, New York, whose identity is known to the Grand Jury.

(Title 18, United States Code, Sections 1951(a), 2 and 3551 et seq.)

COUNT SIX
(Brandishing of a Firearm during Crime of Violence)

6. On or about December 26, 2008, within the Eastern District of New York, the defendant MARTIN LOVLY, together with others, did knowingly and intentionally use and carry a firearm, to wit: a Lorcin semi-automatic .25 caliber handgun, during and in relation to one or more crimes of violence, to wit: the crimes charged in Counts One and Five, and did knowingly and intentionally possess said firearm in furtherance of such crimes of violence, which firearm was brandished.

(Title 18, United States Code, Sections 924(c)(1)(A)(ii), 2 and 3551 et seq.)

COUNT SEVEN
(Felon-in-Possession of a Firearm)

7. In or about and between April 2008 and April 2010, both dates being approximate and inclusive, within the Eastern District of New York, the defendant MARTIN LOVLY, having previously been convicted in a court of a crime punishable by a term of imprisonment exceeding one year, did knowingly and intentionally possess in and affecting commerce a firearm, to wit: a Lorcin semi-automatic .25 caliber handgun, and ammunition.

(Title 18, United States Code, Sections 922(g)(1),
924(a)(2) and 3551 et seq.)

COUNT EIGHT
(Conspiracy to Launder Money)

8. On or about and between April 1, 2008 and October 26, 2011, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants ATHANASIOS MICHAELIDES, also known as "Sacci," "Saci" and "Saki," [REDACTED] MARTIN LOVLY and ADAM VELASQUEZ, together with others, did knowingly and intentionally conspire to conduct financial transactions in and affecting interstate commerce, to wit: the use of money obtained from the sale of controlled substances and robbery proceeds, which transactions in fact involved the proceeds of specified unlawful activity, to wit: narcotics trafficking, in violation of Title 21, United States Code, Sections 841(a)(1) and 846, and obstruction of commerce by

robbery, in violation of Title 18, United States Code, Section 1951(a), knowing that the property involved in the transactions represented the proceeds of some form of unlawful activity, with intent to promote the carrying on of the specified unlawful activity, contrary to Title 18, United States Code, Section 1956(a)(1)(A)(i).

(Title 18, United States Code, Sections 1956(h) and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION AS
TO COUNTS ONE, THREE, FOUR AND FIVE

9. The United States hereby gives notice to the defendants charged in Counts One, Three, Four and Five that, upon conviction of any such offenses, the government will seek forfeiture in accordance with Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), which require any person convicted of such offenses to forfeit any property constituting or derived from proceeds obtained directly or indirectly as a result of such offenses.

10. If any of the above-described forfeitable ~~property~~ property, as a result of any act or omission of the defendants:

(a) cannot be located upon the exercise of due diligence;

(b) has been transferred or sold to, or deposited with, a third party;

(c) has been placed beyond the jurisdiction of the court;

(d) has been substantially diminished in value; or

(e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of such defendants up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Section 981(a)(1)(C); Title 21, United States Code, Section 853(p); Title 28, United States Code, Section 2461(c))

CRIMINAL FORFEITURE ALLEGATION
AS TO COUNT TWO

11. The United States hereby gives notice to the defendant charged in Count Two that, upon his conviction of that offense, the government will seek forfeiture in accordance with Title 21, United States Code, Section 853(a), which requires any person convicted of such offense to forfeit any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of such offense, and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of such offense.

12. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

(a) cannot be located upon the exercise of due diligence;

(b) has been transferred or sold to, or deposited with, a third party;

(c) has been placed beyond the jurisdiction of the court;

(d) has been substantially diminished in value; or

(e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of such defendant up to the value of the forfeitable property described in this forfeiture allegation.

(Title 21, United States Code, Sections 853(a) and 853(p))

CRIMINAL FORFEITURE ALLEGATION AS
TO COUNTS SIX AND SEVEN

13. The United States hereby gives notice to the defendant charged in Counts Six and Seven that, upon conviction of either offense, the government will seek forfeiture in accordance with Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c), which require the

forfeiture of any firearm or ammunition involved in or used in any knowing violation of Title 18, United States Code, Sections 922(g) or 924, or any violation of any criminal law of the United States.

14. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

(a) cannot be located upon the exercise of due diligence;

(b) has been transferred or sold to, or deposited with, a third party;

(c) has been placed beyond the jurisdiction of the court;

(d) has been substantially diminished in value;
or

(e) has been commingled with other property which cannot be divided without difficulty;
it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of such defendant up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Section 924(d); Title 21, United States Code, Section 853(p); Title 28, United States Code, Section 2461(c))

CRIMINAL FORFEITURE ALLEGATION
AS TO COUNT EIGHT

15. The United States hereby gives notice to the defendants charged in Count Eight that, upon conviction of such offense, the government will seek forfeiture in accordance with Title 18, United States Code, Section 982(a)(1), of all property involved in the offense of conviction in violation of Title 18, United States Code, Section 1956, or conspiracy to commit such offense, and all property traceable to such property.

16. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

(a) cannot be located upon the exercise of due diligence;

(b) has been transferred or sold to, or deposited with, a third party;

(c) has been placed beyond the jurisdiction of the court;

(d) has been substantially diminished in value;

or

(e) has been commingled with other property which cannot be divided without difficulty;


it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b)(1), to seek forfeiture of any

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other property of such defendants up to the value of the
forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Sections 982(a)(1) and
982(b)(1))

A TRUE BILL


FOREPERSON

LORETTA E. LYNCH
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK


UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK
JAN 30 2013
RECEIVED

SIR:

PLEASE TAKE NOTICE that the within will be presented for settlement and signature to the Clerk of the United States District Court in his office at the U.S. Courthouse, 610 Federal Plaza, Central Islip, New York, on the ____ day of _____, 20__, at 10:30 o'clock in the forenoon.

Dated: Central Islip, New York

United States Attorney,
Attorney for _____

To:

Attorney for _____

SIR:

PLEASE TAKE NOTICE that the within is a true copy of _____ duly entered herein on the ____ day of _____, in the office of the Clerk of the Eastern District of New York,

Dated: Central Islip, New York

United States Attorney,
Attorney for _____

To:

Attorney for _____

**UNITED STATES DISTRICT COURT
Eastern District of New York**

UNITED STATES OF AMERICA

- against-

ATHANASIOS MICHAELIDES
also known as "Sacci," "Saci,"
and "Saki,"
MARTIN LOVLY,
PABLO JOSE BURGOS, laso known as
"GiGi,"
BRAD ELFERIS,
DENNIS MITTS,
DIMITRI NICHOLAS VALACHOS, also
known as "Jimmy James,"
"James Valachos," and
ADAM VALASQUEZ,

Defendants.

INDICTMENT

(T. 18, U.S.C., §§ 894 (a) (1), 922 (g) (1), 924 (a) (2), 924 (c) (1) (A) (ii), 924 (d), 981 (a) (1) (C), 982 (a) (1), 982 (b) (1), 1951 (a), 1956 (h), 2314, 2 and 3551 et seq.; T. 21, U.S.C., §§ 841 (a) (1), 841 (b) 910 (A) (ii), 841 (b) (1) (C), 846, 853 (a) and 853 (p); T. 28, U.S.C. § 2461 (c))

a true bill.

Foreman

Filed in open court this ____ day of
____ A.D.

Clerk

Bail, \$ _____

Burton T. Ryan
Assistant U.S. Attorney 631-715-7853